

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant : | Steven M. Bloom, Michael S. Spector and John L. Jacobs | Art Unit : | 3693 |
| Serial No. : | 10/001,900 | Examiner : | Sara M. Chandler |
| Filed : | November 14, 2001 | Conf. No. : | 8995 |
| Title : | BALANCING ARBITRAGABLE TRACKING SECURITIES | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(C)

Pursuant to 37 C.F.R. § 3.73(b), THE NASDAQ STOCK MARKET, INC., a corporation, certifies that it is the assignee of the entire right, title, and interest in the present application by virtue of:

☒ An assignment from the inventors of the present patent application. The assignment was recorded in the Patent and Trademark Office at Reel 012742, Frame 0898 on March 19, 2002, or a copy thereof is attached.

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(c), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the present application subsequent to the expiration date of "*U.S. Patent Nos. 7,249,086*" or "*7,680,725*" OR "*the patent to issue from U.S. application serial no. 10/077,182*" provided that any patent granted on the present application shall be enforceable only for and during such period that it is commonly owned with "*U.S. Patent Nos. 7,249,086*" or "*7,680,725*" OR "*the patent to issue from U.S. application serial no. 10/077,182*".

The assignee identified above does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of "*U.S. Patent Nos. 7,249,086*" or "*7,680,725*" OR "*the patent to issue from U.S. application serial no. 10/077,182*" in the event that "*U.S. Patent Nos. 7,249,086*" or "*7,680,725*" OR "*the patent to*

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I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date, March 16, 2010

Applicant : Steven M. Bloom, Michael S. Spector and
John L. Jacobs
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Attorney's Docket No.: 09857-0073001

issue from U.S. application serial no. 10/077,182" later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. The full statutory term of any patent includes any term adjustment under 35 U.S.C. § 154 or § 173. Assignee herein does not disclaim or otherwise affect any part of "*U.S. Patent Nos. 7,249,086*" or "*7,680,725*" OR "*the patent to issue from U.S. application serial no. 10/077,182*".

This disclaimer runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

The required fee of \$140 is being paid concurrently on the electronic filing system by way of deposit account authorization. Please apply any credits or charges to Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 16, 2010

/Denis G. Maloney/

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